

REMARKS

Claims 1-32 are pending in the application, with Claims 1, 2, 4, 5, 6, 7, 11, 12, 14, 15, 17 and 23 having been amended. Reconsideration and reexamination are respectfully requested.

The Examiner objected to Claims 2, 4, 5, 7, 11, 12, 14 and 15 due to various informalities. In response, Applicant has amended Claims 2, 4, 5, 7, 11, 12, 14 and 15 in accordance with the Examiner's suggestions to correct the informalities. Applicant respectfully requests withdrawal of this objection.

The Examiner rejected Claims 6 and 23 under the second paragraph of 35 U.S.C. § 112 for indefiniteness. In response, Applicant has amended Claims 6 and 23 so as to clarify the subject matter of the claimed invention. Applicant respectfully requests withdrawal of this rejection.

The Examiner rejected Claims 1-32 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,771,425 to Baran. Applicant respectfully disagrees for the following reasons.

The present invention discloses a telephone communication system and method. The system includes a voice system which establishes a telephone communication through a circuit switched network. In one embodiment, the present invention establishes a first telephone call to a voice system for the first party, establishes a second telephone call to the voice system for the second party, and then compares a first matchcode entered by the first party with a second matchcode entered by the second party. The first telephone call is connected with the second telephone call if the first matchcode matches the second matchcode.

In an alternative embodiment, an electronic communication between two parties is established using an on-line data service. A voice communication is established between the two parties through the on-line service, in response to receipt of a request to establish the voice communication.

Baran discloses packet switched digital voice and data communication over a network. A network is defined which formats data into a packet frame which is compatible with standardized time division multiplexing (TDM) trunk formats and which also permits packet switching of voice packets. The Baran system includes voice/data packet switches (VDPS), each of which formats information into standardized packets and then switches and sends the packets synchronously with each other according to a standardized synchronous communication format. In one embodiment, a VDPS utilizes a packet format which matches a standard trunk transmission frame format, such as AT&T standard DS-1.

Baran thus merely discloses a system and method of providing voice transportation through packetization of voice data, transporting the voice data in standard size TDM frames, and using packet switching to route the voice data. Baran does not describe any process for setting up telephone calls between two parties through the use of matchcodes, as recited in independent Claims 1 and 17. Neither does Baran describe a process for setting a voice communication between two parties that are already in communication electronically through an on-line data service, as recited in independent Claims 7 and 23. Baran merely indicates that "[t]he exact details of the signaling control processor are matters of engineering choice within the capabilities of those skilled in the art. The primary function is to control frame signaling and extraction and to provide frame signaling and insertion" (col. 13, lines 60 - 64 of Baran).

Accordingly, Applicant respectfully submits that the pending claims are distinguishable over the cited art and respectfully requests withdrawal of the rejections.

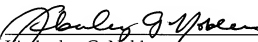
CONCLUSION

In view of the above, it is submitted that the pending claims are in condition for allowance. Reconsideration of the objections and rejections is requested. Allowance of the pending Claims at an early date is solicited.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: December 22, 1997

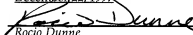


Kimberley G. Nobles
Reg. No. 38,255

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
(714) 557-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: December 22, 1997



Rocio Dunne 12/22/97
Date